

FARMINGTON POLICE DEPARTMENT

POLICY AND PROCEDURE



Policy Number:
242-10

Effective Date:
04/26/2017

Subject:
Field Interviews

Approved by:

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

Steven D. Hebbe, Chief of Police



PURPOSE:

To provide officers with guidelines consistent with current laws allowing for the contact and detention of citizens.

POLICY:

It is the policy of the Farmington Police Department to conduct field interviews when appropriate and necessary.

PROCEDURE:

Case Law:

There are three levels of police/citizen encounters. At one extreme is a full-scale arrest that must be supported by probable cause. At the other extreme is an approach in a non-coercive manner, during which the individual approached is free to leave. In this type of contact the officer does not use his authority, expressed or implied, or physical force to restrict the person's freedom of movement. A police officer may contact any person in this manner for any reason. This type of contact does not require reasonable suspicion for its justification.

In between these two extremes lie a variety of confrontations amounting to seizures that must be justified by "reasonable suspicion", which is defined as a police officer being aware of specific articulable facts, together with rational inferences from those facts, that would cause the officer, as a person of reasonable caution, to believe that the law had been or was being violated. This type of stop or seizure takes place when officers use their expressed or implied authority to temporarily detain a person who feels that he is not free to leave.

Officers may momentarily detain or question a person to investigate activity where there is reasonable suspicion that a crime has been committed, is being committed, or is about to be committed.

Unless an officer has probable cause or reasonable suspicion, he may not use his authority, expressed or implied, to stop and require identification of a person and/or request an explanation of the person's actions. The officer may always use a non-authority request for identification or explanation of activity, but may not detain the person if he refuses to provide the information.

EXAMPLES OF NON-AUTHORITY REQUESTS ARE:

1. An officer notices a crowd of teenagers in a movie parking lot at 10:30 P.M. The officer pulls up to them and says, "What are you kids up to?" and they say, "Nothing." The officer then says, "Can I see some identification?" If the teenagers were to respond, No, we're not going to show you any identification," and start to walk away, the officer must allow them to leave without further detention;
2. An officer driving through an alley at 6:00 P.M. notices two males sitting by a dumpster. The officer pulls up to them and says, "Let me see some identification from you guys." The males reply, "No, we were just leaving," and start to walk away. In this situation, the officer must allow them to leave without further detention.

However, if in the above examples when the officer asks, "What are you doing?" he receives a reply similar to, "Oh, we were just drinking some wine," further detention for investigative purposes is justified. Another example of a justifiable detention would be if teenagers were approached while standing in a movie parking lot at 3:00 a.m. when no movie is playing. In this situation, it would be reasonable for an officer to briefly detain the teenagers for identification purposes.

Officers of this Department will not make random stops for identification purposes only. A stop must be based on reasonable suspicion of criminal activity in the past, present, or immediate future.

If not in uniform, an officer conducting a stop will identify himself as a police officer as soon as practical and safe to do so, using the least forceful means necessary to detain the person. An officer will detain a person for only the minimum amount of time needed to conduct the interview and investigate the person's actions.

When officers are conducting a stop, they should conduct the inquiry at the location of the contact, but when necessary, may move the person to a different location to avoid the person leaving or for the safety of either the person or the officer. An officer conducting a stop of a motor vehicle may order all occupants out of the vehicle to maintain a level of officer safety.

An officer may conduct a frisk, or "pat-down", of any person contacted on a valid stop when the officer has a reasonable suspicion that the person contacted may be armed. If the officer feels something concealed on the person which the officer believes to be a weapon, the officer can then remove that item to determine if it is, in fact, a weapon. Time allowed for the interview or interrogation is directly related to the scope of the contact.

The information obtained during a contact or stop with a citizen may be recorded by documenting the contact. This can be accomplished by the use of an offense report or a Field Interrogation Form, (F.I.).

The Field Interrogation Form will be forwarded to the Detective Division.

A file for the Field Interrogation Forms will be maintained by the Detective Division and may be purged when that information is no longer valid or current.